

MINUTES

CASE NUMBER: CR 04-00197HG-004
CASE NAME: UNITED STATES OF AMERICA v. (04) FRANCISCO JAVIER OROZCO
ATTYS FOR PLA: Loretta A. Sheehan, AUSA
ATTYS FOR DEFT: (04) Barry D. Edwards, Esq.
INTERPRETER: (04) Miguel Saibene (previously sworn in)
U.S.P.O. Neil W. Tsukayama

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| JUDGE: | Helen Gillmor | REPORTER: | Stephen Platt |
| DATE: | September 13, 2007 | TIME: | 3:00 - 3:30 |
| | | MOTION: | 10 MINUTES |

COURT ACTION: SENTENCING TO COUNT 1 OF THE FIRST SUPERSEDING INDICTMENT AS TO DEFENDANT (04) FRANCISCO JAVIER OROZCO -

DEFENDANT (04) FRANCISCO JAVIER OROZCO'S
REQUEST FOR SENTENCE BELOW ADVISORY
GUIDELINE RANGE -

The defendant is present in custody.
The Memorandum of Plea Agreement is accepted.

Allocution by the defendant.

The Court finds that the defendant qualifies for the "safety valve" provision as set forth in 18 U.S.C. Section 3553(f)(1)thru(5).

Defendant (04) Francisco Javier Orozco's Request for Sentence Below Advisory Guideline Range (Doc. 253) is GRANTED.

ADJUDGED:

IMPRISONMENT of seventy eight (78) months.

SUPERVISED RELEASE: 5 YEARS, upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer (mandatory condition).
5. That the defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant submit to removal proceedings, including deportation or exclusion, as required by the Department of Homeland Security. The defendant shall not enter the United States without proper authorization.

Special Assessment: \$100.00

Advised of rights to appeal the sentence, etc.

RECOMMENDATIONS: FCI Terminal Island, CA, FCI Lompoc, CA., FCI Sheridan, OR. That the defendant participate in drug treatment, educational and vocational training programs.

Government's Oral Motion to Dismiss Counts 2 and 3 of the First Superseding Indictment is GRANTED.

Submitted by: Mary Rose Feria, Courtroom Manager